THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.26976 OF 2005

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Date: 26-12-2005

Between:

The Agricultural Market Committee …Petitioner

And

Union of India rep. by its Secretary

And others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.26976 OF 2005

O R D E R (Per the Hon'ble Sri Bilal Nazki, J):

Heard learned counsel for the parties.

This writ petition has been filed by the Agricultural Market Committee, Hiramandalam, Srikakulam District, aggrieved of initiation of assessment proceedings by the Income Tax authorities, on the ground that the petitioner is entitled to exemption under Section 10(20) of the Income Tax Act, 1961 (for short "the Act"). So far no order has been passed by the authorities. The petitioner's claim that it is entitled to exemption under Section 10(20) of the Act can also be gone into by the assessing authority. Therefore, in our view, the writ petition is premature and misconceived at this stage.

The writ petition is accordingly dismissed and the petitioner is at liberty to take whatever defences that may be available to it in law before the assessing authority. No order as to costs.

(Bilal Nazki, J)

26th December, 2005

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(C.V.Ramulu,J)

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